

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 13, 1999**

## DIVISION TWO

B118818 People (Not for Publication)  
v.  
Raul P.

The Court:

The order declaring appellant a ward of the juvenile court is affirmed. The order declaring the offense to be a felony and the order that appellant's suitable placement not exceed three years are reversed. The matter is remanded to the juvenile court for an express declaration pursuant to Welfare and Institutions Code section 702 whether the offense is a felony or a misdemeanor and for recalculation of the maximum period of physical confinement.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

B116551      Davis      (Not for Publication)  
v.  
Ali-Brown

The judgments and orders appealed from are affirmed. Respondent is awarded costs on appeal. At the election of respondent, the matter is remanded to the trial court for the imposition of sanctions for appellant's filing of a frivolous appeal, including attorney fees for such subsequent hearing. (Cal. Rules of Court, rule 26; *Otworth v. Southern Pac. Transportation Co.*, *supra*, at pp. 461-462.).

Nott, J.

We concur:   Boren, P.J.  
                      Zebrowski, J.

DIVISION THREE

The Court convened at 9:30 A.M.

Present: Klein, P.J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

Each of the following:

B123085 Rubenstein v. Rubenstein  
B119290 People v. Kidd  
B121726 People v. Gregory F.  
B119746 People v. Pilot  
B122668 People v. Garcia  
B120789 People v. Henderson  
B122328 People v. Roundtree  
B123862 People v. Acevedo  
B121704 People v. Asuncion  
B122820 People v. Jones  
B120323 People v. Owens  
B119998 People v. Jones  
B127203 County of L.A. v. Kimberly S.  
B125170 County of L.A. v. Keely C.  
B12982 Cindy M. v. S.C.L.A.  
B124447 People v. Lee  
B122101 People v. Santonio B.  
B120499 People v. Reyes

Argument waived, cause submitted.

B121143     Fletcher  
              v.  
              Williams-Fletcher

Merits:

Argued by Stuart L. Olster for appellant and by David Romley for respondent. Cause submitted.

DIVISION THREE (Continued)

B120849     Bryant  
               v.  
               Beach Cities Dialysis

Merits:  
Argued by Ronald E. Hermanson for appellant and by Kevin Hillyer for respondent. Cause submitted.

B118557     People  
               v.  
               Moss

Merits:  
Argued by Richard D. Rome for appellant and by Theresa A. Cochrane, deputy attorney general for respondent. Cause submitted.

The Court recessed at 10:30 A.M.

The Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

B121332     People  
               v.  
               Hillman

Merits:  
Argued by Bruce I. Brown for appellant. Argument waived by respondent. Cause submitted.

B124558     Armani Bakery, Inc.  
               v.  
               Continental Insurance Company

Merits:  
Argued by Sassoon Sales for appellant and by J. Thomas Gilbert for respondent. Cause submitted.

DIVISION THREE (Continued)

B112418     People  
              v.  
              Lynberg

Merits:

Argued by Robert C. English for appellant and by Peggie J. Bradford for respondent. Cause submitted.

B117737     County of Los Angeles  
              v.  
              Marquez

Merits:

Argued by Edmund L. Montgomery for appellant and by Susan E. Skelding, deputy district attorney for respondent. Appellant's supplemental brief due by April 23, 1999, and respondent's reply due by April 30, 1999. Submission deferred.

B122113     The Doctors Company  
              v.  
              Estate of Craig T. Clark

Merits:

Argued by Paul C. Cook for appellant and by Jack Rosenbaum for respondent. Appellant's supplemental brief due by April 23, 1999, and respondent's reply due by April 30, 1999. Submission deferred.

B123193     National Union Fire Insurance Company  
              v.  
              Home Insurance Companies

Merits:

Argued by Michael M. Walsh for appellant and by Terry L. Kesinger for respondent. Respondent's supplemental brief by April 30, 1999, appellant's reply due by May 14, 1999. Submission deferred.

DIVISION THREE (Continued)

B114504     People  
              v.  
              Cortez

Merits:

Argued by Richard Fitzer for appellant and by Noah Hill, deputy attorney general for respondent. Cause submitted.

B113590     People  
              v.  
              Moore

Merits:

Argued by Robert Spertus for appellant and by Jeffrey B. Kahan, deputy attorney general for respondent. Cause submitted.

B108013     Datig  
              v.  
              Dove Books, Inc., et al.

Merits:

Argued by Roderick J. Lindblom for appellant and by Farhad Novian and Steven A. Soloway for respondents. Cause submitted.

The Court adjourned at 4:20 P.M.

DIVISION FOUR

B128381     In Re Eddie James Jenkins on Habeas Corpus

Filed order denying petition for rehearing.

DIVISION FIVE

B119876      People                                  (Not for Publication)  
v.  
Kurt Bowman

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The judgment is modified to reflect: (1) the imposition of a full consecutive term of four years for the firearm use enhancement on count one, instead of one-third the middle term; (2) imposition of a consecutive five-year term for the sentence enhancement under Penal Code section 667, subdivision (a), instead of a stayed term; (3) presentence credit of 453 days, consisting of 394 actual days and 59 days conduct credit; (4) a \$10,000 restitution fine imposed and stayed pursuant to Penal Code section 1202.45. As modified, defendant's sentence consists of an indeterminate term of 50 years to life and a determinate term of 22 years 4 months. As modified, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.  
Godoy Perez, J.

B121815      People                                  (Not for Publication)  
v.  
**James Johnson**

The judgment is modified to reflect the imposition of the \$600 Penal Code section 1202.45 restitution fine. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

April 13, 1999-Continued

## DIVISION FIVE (Continued)

B118847      People                                  (Not for Publication)  
v.  
Francis Castellon

The judgment is modified to reflect the imposition of the Penal Code section 1202.45 restitution fine. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B119096 William Saltzman (Not for Publication)  
v.  
Gunderson-Ihle Chevrolet, Inc.

The judgment is affirmed. Respondent Gunderson Chevrolet is awarded its costs on appeal.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                         Godoy Perez, J.

[illegible]

The judgment is modified to reflect the imposition and suspension of a \$200 parole revocation restitution fine pursuant to Penal Code section 1202.45. As modified, the judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

DIVISION FIVE (Continued)

B118743     People  
              v.  
              Richard Arthur Aguirre

Filed order denying petition for rehearing.

B120146     People                                 (Not for Publication)  
              v.  
              Ronald E. Turner

The judgment is modified to change the additional period of imprisonment pursuant to Penal Code section 667.8, subdivision (a) to only three years. Defendant's total sentence is to now be 100 years to life. Upon issuance of the remittitur and imposition of the additional fine, the superior court clerk is directed to issue an amended abstract of judgment which reflects the restitution fine and the reduction of defendant's sentence to 100 years to life. The superior court clerk should deliver the corrected abstract of judgment to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur:    Armstrong, J.  
                  Godoy Perez, J.

B119756     People                                 (Not for Publication)  
              v.  
              Larry Stewart

The trial court is ordered to imposed a suspended \$5,000 parole revocation fine pursuant to Penal Code section 1202.45, the fine to become operational if defendant violates parole. In all other respects, the judgment is affirmed.

Kriegler, J. (Assigned)

We concur:    Grignon, Acting P.J.  
                  Godoy Perez, J.



April 13, 1999-Continued

## DIVISION FIVE (Continued)

B120004      People                                  (Not for Publication)  
v.  
Walter Gregory Jr.

The judgment is affirmed.

Kriegler, J. (Assigned)

We concur:   Turner, P.J.  
                      Grignon, J.

B124376      TMS, Inc. et al.      (Certified for Partial Publication)  
v.  
Isamu Aihara et al.

The appeal of defendants, Isamu Aihara, Benmore Company, Inc., is dismissed. Plaintiffs, TMS, Inc. and F.E.A. Logistics Support Corporation, are to recover their costs on appeal, jointly and severally, from defendants, Isamu Aihara, Benmore Company, Inc., and Benmore Trading Corporation, Inc.

Turner, P.J.

We concur: Grignon, J.  
Kriegler, J. (Assigned)

## DIVISION SEVEN

B123451      Scheffield Medical Group  
v.  
Workers Compensation Appeals Board  
California Indemnity Insurance Co., et al.

Filed order denying petition for rehearing.